

March 29, 2010

**OFFICE OF THE HEARING EXAMINER
CITY OF RENTON**

Minutes

APPLICANT/OWNER: Vlad Drofiak
V.Y. Properties LLC
15012 SE 253rd Place
Covington, WA 98042

CONTACT: Ruslan Levandovsky
Precision and Design
PO Box 8081
Kent, WA 98031

PROJECT NAME: Drofiak Apartments Site Plan Approval
File No.: LUA 09-112, SA-H

LOCATION: 12228 SE Petrovitsky Rd.

SUMMARY OF REQUEST: Site Plan Review for the construction of a 3-story multi-family apartment building.

SUMMARY OF ACTION: Development Services Recommendation: Approve

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on March 9, 2010.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

*The following minutes are a summary of the March 16, 2010 hearing.
The legal record is recorded on CD.*

The hearing opened on Tuesday, March 16, 2010, at 9:01 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<u>Exhibit No. 1:</u> Project file containing the original application, reports, staff comments and other documentation pertinent to this request.	<u>Exhibit No. 2:</u> Zoning and Neighborhood Detail Map
<u>Exhibit No. 3:</u> Site Plan	<u>Exhibit No. 4:</u> Landscape Plan
<u>Exhibit No. 5:</u> North and South Elevations	<u>Exhibit No. 6:</u> East and West Elevations

Exhibit No. 7: Aerial Photo of Project Site	
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The hearing opened with a presentation of the staff report by Rocale Timmons Associate Planner, Community and Economic Development, City of Renton, 1055 S Grady Way, Renton, Washington 98057. The site is located on the north side of SE Petrovitsky Road and just east of 116th Avenue SE. The site is just shy a half acre. The surrounding uses include multi-family to the north and west, single-family to the south and a vacant parcel abutting the parcel to the east.

The site is zoned Residential Multi-Family and is located within the Residential Multi-Family Comprehensive Land Use Designation.

An 8-unit multi-family apartment building approximately 11,000 square feet in size is proposed. The density is approximately 20 dwelling units per net acre. Sixteen parking stalls are proposed along with associated landscaping. Access to the site would be provided by an existing curb cut on the western portion of the site off of SE Petrovitsky Road.

The site is relatively flat with two rockeries located on the north and western portions approximately three to four feet in height. The building would be approximately three stories and 32.5 feet in height. All units would be 2 or 3 bedroom units. Access to the building would be provided from the western elevation of the building on the ground level with open corridors on the northern elevation that lead to staircases to the upper stories.

The Environmental Review Committee issued a Determination of Non-Significance – Mitigated with 5 measures. No appeals were filed. School impact fees will be applied at building permit stage. This project may or may not be vested.

The subject site is compliant with all Land Use Policies and is located within the Residential Multi-Family zoning designation with a density of 10 to a maximum of 20 dwelling units per acre. After the deduction for an access easement, located on the western portion of the site, the density would result in 19.5 dwelling units per net acre. Lot coverage was calculated to 19.6%, which is well beneath the allowed lot coverage in this area. The proposal does meet all required set-backs.

There is one tree located on site and the applicant is not required to retain the tree. All required setbacks would be landscaped. A plan was presented, however it does not have much diversity, as well, additional screening would be required on the northern and eastern portions of the site due to the existing residential developments located in those areas, The plans were not prepared by a professional and Staff has asked that a revised Detailed Landscape Plan be prepared by a Landscape Architect or Certified Landscape Professional.

Sixteen parking stalls have been provided, which complies with the code. The Rental Office would require an additional parking space. It has been a challenge accommodating parking on this site. Staff has requested that two stalls be relocated, based on circulation. It may be necessary for the applicant apply for and grant a parking modification. No ADA stall was provided and that would be required. Fifteen square feet of landscaping is required for each parking stall on site, which results in 195 square feet of landscaping, the applicant has provided close to 3,000 square feet of landscaping.

Refuse and Recycling has been provided for and exceeds the amount required by code. However, the location is not to code and the space needs to be reduced to the required amount and relocate the area as far south as possible and provide additional screening and landscaping to buffer the area.

No pedestrian walkway from the building to the street has been provided and this must be provided.

Appropriate air and light has been accommodated for the project. A light plan was not presented with the proposal and one must be provided to include down lighting for vehicular and pedestrian movement.

Fire, Park and Traffic mitigation fees have been imposed by ERC and are required.

The project is located in the Soos Creek Sewer and Water District, a Certificate of Sewer and Water Availability must be provided prior to construction permit approval.

The project is within the Green River Drainage Basin and flows to the south side of SE Petrovitsky Road, then east towards Soos Creek and ultimately ending in the Green River. A drainage plan has been provided, however it does not comply with the King County Manual. A drainage report that is in compliance with the 1990 manual must be submitted prior to construction approval.

New Condition #9 was read into the record as follows:

9. The applicant shall relocate the two 90-degree compact stalls located on the eastern portion of the site. The spaces shall remain paved with striping that prohibits parking in order to maintain enough turning radius for the 45-degree angled stalls provided. The site plan shall be submitted to and approved by the current planning project manager prior to engineering permit approval.

Ruslan Levandovsky, 20320 SE 261st Place, Covington 98042 stated that he had no comments.

Kayren Kittrick, CED, stated that by the preliminary storm drainage plan her staff was able to determine that the 1990 Storm Water Manual would apply under the City of Renton, they had not adopted the 2009 at that time. Under the 1990, it is anticipated that this project would not trigger much, if anything.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 9:30 am.

FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The applicant, Vlad Drofiak/V.Y. Properties LLC, filed a request for a Site Plan approval.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official issued a Determination of Non-Significance - Mitigated (DNS-M).
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 12228 SE Petrovitsky Road. The subject site is located on the north side of Petrovitsky between 120th Avenue SE on the west and 126th Avenue SE on the east.

6. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of multiple family residential uses, but does not mandate such development without consideration of other policies of the Plan.
7. The subject site is currently zoned RM-F (Residential - Multiple Family: 10-20 dwelling units/acre).
8. The subject site was annexed to the City with the adoption of Ordinance 5327 enacted in March 2008.
9. The subject site is approximately 19,889 square feet or 0.456 acres. The subject site is somewhat trapezoidal in shape and is approximately 125 feet deep with approximately 165 feet of frontage along Petrovitsky.
10. There are no unique topographic features or critical areas on the subject site. There are two rockeries on the northwest corner of the site
11. There is one significant tree located on the subject site. It would be removed and it is not required to be replaced under code. Landscaping would be installed around the proposed building and parking areas (see below).
12. The applicant proposes developing a three-story, multiple family apartment building with a rental office on the first floor. The building will have eight units, with two units on the first floor and 3 units each on the next two floors. The new building would contain a total of approximately 10,879 square feet.
13. The building's entry would be on the west side of the building leading to corridors and a stairway on the north side of the building.
14. The exterior treatment would include both horizontal and vertical siding made of vinyl. The south facade, which is also the street view, would have three gables at the roofline. There will be banding at each floor and aluminum rails and decks. The roof will be peaked with the three gables along the front and two in the rear. The applicant will use asphalt shingles on the roof.
15. Building height in the RM-F zone is limited to 35 feet. The height of the building will be 32 feet 6 inches on average with its roof pitched as 5:12.
16. The RM-F zone requires a 20 foot front yard and the applicant proposes a 20 foot front yard. The code requires a 15 foot rear yard and the applicant proposes a 15 foot rear yard. The side yard dimensions are determined by lot width and building height. For lots greater than 110.1 feet, a side yard at least 12 feet is required. Side yards must be one foot wider for each 10 feet over 30 feet of building height. This 32.5 foot tall building requires side yards of at least 13 feet and the applicant proposes a 13 foot eastern side yard and an approximately 102 foot western side yard where access and parking will be provided.
17. Code requires two (2) parking stalls for each residential unit. The applicant proposes providing 16 parking stalls. The applicant has not made any allowance for parking for the rental office. Staff indicated that at least one stall would probably be required for that use. The stalls would be located along the north and west side of the building. Staff analysis shows that there does not appear to be sufficient maneuvering space for vehicles in the stalls located near the northeast corner of the parking area. Staff recommended that the parking stalls be relocated and that a Parking Modification might be required. Staff noted that no ADA parking was provided and it was required.

18. Fifteen square feet of landscaping is required for each parking stall on site. Staff calculated that 120 square feet of landscaping was required. The applicant proposed 195 square feet of landscaping in the parking area along with almost 3,000 square feet of landscaping along the perimeter.
19. Garbage and recycling for the site requires a minimum of 80 square feet whereas the applicant proposes 266 square feet. This exceeds the standards. In addition, the dumpster area was proposed approximately 30 feet from the adjoining residentially zoned property and code requires a 50 foot setback.
20. The driveway to the site shares access over an easement with properties to the north and west. This easement area was subtracted to calculate the permitted density.
21. The RM-F zone permits lot coverage of 35% whereas the building's footprint of approximately 3,910 square feet would be approximately 19.6%.
22. The density for the proposal would be 19.5 units per acre after deducting for the access easement.
23. The proposal will generate approximately 80 trips. Approximately ten percent of the trips, or approximately 8 additional peak hour trips will be generated in the morning and evening.
24. Stormwater plans were tentatively reviewed. A more detailed analysis will need to be completed.
25. Sewer and water will be provided by the Soos Creek district. The applicant will have to provide a certificate of availability.

CONCLUSIONS:

1. The site plan ordinance provides a number of specific criteria for reviewing a site plan. Those criteria are generally represented in part by the following enumeration:
 - a. Conformance with the Comprehensive Plan;
 - b. Conformance with the Building and Zoning Codes;
 - c. Mitigation of impacts on surrounding properties and uses;
 - d. Mitigation of the impacts of the proposal on the subject site itself;
 - e. Conservation of property values;
 - f. Provision for safe and efficient vehicle and pedestrian circulation;
 - g. Provision of adequate light and air;
 - h. Adequacy of public services to accommodate the proposed use;The proposed use satisfies these and other particulars of the ordinance.
2. The proposed multiple family apartment building is compatible with the comprehensive plan's designation of the subject site as suitable for the development of multiple family uses. It blends with the

multiple family uses north and west of the site. It is located on a major arterial street which can handle additional traffic.

3. The proposed building's bulk and scale are compliant with the Zoning Code's setback and height standards. It may not meet the parking requirements of the code. There are two potential issues. The first issue is that the applicant did not make allowance for a parking stall for the included rental office. The second issue is that the applicant's plan does not accommodate adequate maneuvering space in the northeast corner of the parking lot. The parking will have to be rearranged to provide adequate parking stalls and maneuvering room. While staff suggested a Parking Modification might be required, there is no reasonable available off-site parking in the vicinity of the subject site. Since the Site Plan needs approval at this time with no assurance that parking can be approximately provided, the proposed use should be conditioned on reducing the dwelling unit count if a Parking Modification proves inappropriate after Administrative Review. In addition to those parking issues the applicant needs to provide ADA parking. A determination of compliance with the Building and Fire Codes will be made when a building permit application is submitted.
4. The proposal will observe the required setbacks on all sides although the dumpster location will need to be moved to provide greater separation from the adjoining apartments to the north. The site will have perimeter landscaping as well as landscaping around the building and within the parking areas. The building meets the height limitations of the zone and has increased the east setback since the building is taller than 30 feet. The building should not create any undue impacts on its neighbors.
5. As noted, the site is well-landscaped. The building's facade will provide varied materials and both horizontal and vertical siding elements. Those elements will be coupled with banding at each floor to provide horizontal relief and visual interest. Aluminum trim will detail stairwell and walkway areas. There will be gabled facade and roof elements at the front of the building as well as the rear. Asphalt shingles will provide texture to the visible portions of the roof.
6. The development of this vacant property should not adversely affect property values and developing a derelict lot should enhance the tax base of the City.
7. Staff noted that a connection to the sidewalks should be developed. The proposed building is located along Petrovitsky Road and there is no on-street parking and no nearby cross-streets. Insufficient parking could lead to improperly parked vehicles either along Petrovitsky or blocking the easement access roadway or access for emergency vehicles. Any Parking Modification needs to consider these issues. The applicant needs to provide appropriate ADA parking on the site. The parking alignments and circulation need to be rectified to allow on-site maneuvering as well as sufficient parking for the proposed uses including the rental office.
8. The building provides legal setbacks on three sides and greater setback on the west. Those setbacks should permit adequate light and air to enter the subject site as well as enter surrounding properties.
9. The applicant will need to provide certificates from the Soos Creek district for utility services. It appears that stormwater issues should have no impacts.
10. In conclusion, the rather modest, three-story building appears to be reasonably designed and landscaped. The fact that parking might be a problem and that depending on a review of a Parking Modification, parking might be inadequate, which means that the proposal might need to be scaled down. It appears reducing the unit count and providing a slightly scaled-back building would also be appropriate. The Zone permits up to 20 units per acre and the applicant has attempted to maximize the density potential

by creating a project with a density of 19.5 units per acre. Scaling it back would not be an undue limitation on the property if parking is ultimately found to limit the development potential of the complex.

DECISION:

The Site Plan for a 10 to 12 unit complex is approved subject to the following conditions:

1. Until the appropriate parking complement is determined by either the grant or denial of a Parking Modification, the proposed use should be conditioned on approving the dwelling unit count to twelve (12) or fewer units if a Parking Modification proves inappropriate after Administrative Review.
2. The applicant shall comply with the five mitigation measures issued as part of the Determination of Non-Significance Mitigated, dated October 26, 2009.
3. The applicant shall submit a detailed landscape plan designed by a certified landscape architect or other landscape professional. The plan shall include; native evergreen and deciduous trees, shrubs and groundcovers; and appropriate screening vegetation for the northern and western portions of the site. The revised detailed landscape plan shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval.
4. The applicant shall revise the site plan to include at least one ADA accessible parking stall. The revised site plan shall be submitted to the Current Planning Project Manager prior to construction permit approval.
5. The applicant shall reduce the square footage of the area dedicated to refuse and recyclables, by 100 square feet, and relocate the area within the proposed footprint as far south as possible. The remainder of the area proposed shall include enhanced vegetation; including evergreen and deciduous trees. A revised site plan shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval.
6. The applicant shall provide an integrated pedestrian circulation system that connects the building and parking areas with the adjacent street sidewalk. This connection should be visibly different from the asphalt of the driveway, and function like an internal sidewalk. A revised site plan, depicting the pedestrian connection shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval.
7. The applicant shall be required to provide a lighting plan that will adequately provide for public safety without casting excessive glare on adjacent properties at the time of construction permit review. Pedestrian scale and downlighting shall be used in all cases to assure safe pedestrian and vehicular movement, unless alternative pedestrian scale lighting has been approved administratively or is specifically listed as exempt from provisions located in RMC 4-4-075 Lighting, Exterior On-Site.
8. The applicant shall submit a Certificate of Water and Sewer Availability, to the Development Services Project Manager, in order to verify that the Soos Creek Water and sewer District can provide adequate fire flow and domestic water to service the site prior to construction permit approval.

9. The applicant shall submit a drainage report as outlined by the 1990 King County Surface Water Drainage Manual. The report shall include: a sketch of the downstream discharge along with the downstream analysis; existing impervious area and the new impervious area; runoff controls to limit the development conditions peak rates of runoff to the predevelopment peak rates. The drainage report and plan shall be submitted to the Development Services Project Manager prior to construction permit approval.
10. The applicant shall relocate the two 90-degree compact stalls located on the eastern portion of the site. The spaces shall remain paved with striping that prohibits parking in order to maintain enough turning radius for the 45-degree angled stalls provided. The site plan shall be submitted to and approved by the current planning project manager prior to engineering permit approval.

ORDERED THIS 29th day of March 2010.

FRED J. KAUFMAN
HEARING EXAMINER

TRANSMITTED THIS 29th day of March 2010 to the following:

Mayor Denis Law	Dave Pargas, Fire
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegian, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
Marty Wine, Assistant CAO	Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., April 12, 2010.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$250.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., April 12, 2010.**

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.